

BOARD OF SELECTMEN

Minutes of the Meeting of 25 October 2007 at 6:00 PM. The meeting took place in the Court Room, Town and County Building, Nantucket, MA 02554. Members of the Board present were Brian Chadwick, Michael Kopko, Whiting Willauer, Allen Reinhard and Patricia Roggeveen. Chairman Willauer called the meeting to order at 6:25 PM immediately following a meeting of the Board of Health.

Announcements. Town Manager C. Elizabeth Gibson noted there will not be a Board of Selectmen's meeting October 31, 2007 due to it being the fifth Wednesday of the month. Ms. Gibson also noted there will be a public informational meeting Thursday, October 25, 2007 at 6 pm at the Fire Station regarding the proposed public safety facility at 2 Fairgrounds Road.

Public Comment. None.

Approval of Minutes of 10 October 2007 at 6:00 PM. The Board approved the minutes by unanimous consent.

Approval of Payroll Warrant for Week Ending 21 October 2007. The Board approved the payroll warrant by unanimous consent.

Approval of Treasury Warrant and Pending Contracts for 24 October 2007. The Board approved the treasury warrant and pending contracts by unanimous consent.

CITIZEN/DEPARTMENTAL REQUESTS

Nantucket Memorial Airport: Request for Waiver of Building Permit Fee in Connection with Terminal Expansion Project. Mr. Chadwick moved to deny the request, Mr. Kopko seconded, so voted unanimously to deny the waiver request.

Citizen Request for Waiver from Street Opening Regulations. Steven Cohen representing Sue Walton, owner of 32 Cliff Road spoke in favor of the request. DPW Director Jeff Willett explained some reasons for the request, noting the disagreement between property owners causing the subsequent situation. Some discussion followed. Mr. Chadwick moved to approve the request to open the street in front of Mrs. Walton's property for a sewer connection, provided that the opening is repaired in accordance with the specifications contained in the regulations, Ms. Roggeveen seconded, so voted unanimously.

TOWN ADMINISTRATOR'S REPORT

Request for Vote Pertaining to Town-owned Parcels Comprising the Nantucket Landfill. Ms. Gibson explained that the Board of Selectmen was authorized by the 2007 annual town meeting to combine the three lots comprising the landfill to enable the expansion of the Materials Recovery Facility. Mr. Kopko moved, pursuant to the vote on Article 77 of the 2007 annual town meeting, that the Board of Selectmen vote to maintain the care and custody of three parcels of Town land currently being used for waste disposal as a single parcel and not to subdivide any portion of the three parcels, so that no portion of any of the parcels shall be sold or conveyed as a separate parcel or parcels, and so that all three parcels are treated as a single parcel for zoning and all other intents and purposes. Mr. Chadwick seconded, so voted unanimously.

Request for Approval of Language Clarifications to Pending Legislation Approved at 2007 Annual Town Meeting. Legislative liaison Timothy Madden explained that two of the home rule petitions approved by the 2007 Annual Town Meeting now require language clarifications and changes that were recommended by House Counsel. He reviewed the recommended changes and requested the Board's approval. Mr. Chadwick moved to approve language changes for two bills: one pertaining to the radio monitor site property and the other to the acquisition of land at South Pasture, Mr. Reinhard seconded, so voted unanimously.

Ms. Gibson noted a citizen has requested a copy of an email sent from Town Counsel regarding the authority of the Harbor Master to handle mooring permits. Mr. Kopko moved to release the information to the citizen, Mr. Chadwick seconded, so voted unanimously.

SELECTMEN'S REPORTS/COMMENT

Chairman Willauer noted a letter the Board of Selectmen received from the Cape Cod Hook Fisherman's Association concerning sea herring fishing, requesting the Board send a letter on their behalf in support of industry legislation. Mr. Chadwick moved to send the letter, Mr. Reinhard seconded, so voted unanimously.

Mr. Chadwick moved to send a letter to the Department of Environmental Protection requesting an extension of two weeks to comment on the draft Estuaries report, Ms. Roggeveen seconded, so voted unanimously.

Mr. Kopko moved that the Board of Selectmen go into Executive Session, not to return to Open Session concerning the Harbor Master and Town Biologist's involvement in pending litigation involving the Great Harbor Yacht Club. Mr. Reinhard seconded. Mr. Chadwick questioned which litigation Mr. Kopko was referring to. Ms. Roggeveen stated her belief that this is not a matter to which going into Executive Session applies. So voted three to two with Mr. Reinhard, Mr. Kopko and Chairman Willauer in favor, Mr. Chadwick and Ms. Roggeveen in opposition. The Executive Session was scheduled for November 8, 2007 at 10:00 am. Mr. Chadwick appealed to the Board of Selectmen to state the litigation matter at hand. Sarah Alger requested to ask a question about the minutes. Chairman Willauer denied the request. Mr. Chadwick appealed the Chairman's decision not to allow the public to speak. Chairman Willauer stated the Board would need to vote on the appeal. Mr. Chadwick moved to allow Ms. Alger to speak, Ms. Roggeveen seconded. Mr. Kopko stated that although he believed it important to allow the public to speak, the Chairman should have the latitude to run the meeting. So voted to allow the public to speak. Ms. Alger asked if the minutes would reflect how the Board members voted on this matter Mr. Kopko answered affirmatively.

The meeting adjourned at 7:15 PM.

Approved the 14th day of November 2007